

PATENT  
ATTORNEY DOCKET NO. 04520/029002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bruce A. Littlefield et al.	Confirmation No.:	5226
Serial No.:	10/687,526	Art Unit:	1625
Patent No.:	7,470,720	Customer No.:	21559
Filed:	October 16, 2003	Examiner:	Raymond K. Covington
Issue Date:	December 30, 2008		
Title:	METHODS AND COMPOSITIONS FOR USE IN TREATING CANCER		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

In response to the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) set forth in the Issue Notification mailed in connection with the above-captioned patent application on December 10, 2008, and as set forth on the cover of U.S. Patent No. 7,470,720, issued December 30, 2008, Applicants hereby request reconsideration of the patent term adjustment. Applicants submit that the current patent term adjustment should be 493 days, not 456 days as shown in the Patent Term Adjustment History on the PAIR system (Exhibit 1).

Applicants note that the Office, in the Patent Term Adjustment History on PAIR (Exhibit 1), attributes 37 days of delay to Applicants for filing a "Miscellaneous Incoming Letter" on November 24, 2008, and 2 days of delay for paying the issue fee more than three months after the mailing of the Notice of Allowance. Applicants do not dispute the 2 days of delay incurred by paying the issue fee on November 24, 2008 instead of by November 22, 2008. However, as set

forth below, Applicants submit that the 37-day delay for filing a “Miscellaneous Incoming Letter” is improperly attributed to Applicants.

The rules governing patent term adjustment due to examination delay are provided for in 37 C.F.R. § 1.702, which states:

[T]he term of an original patent shall be adjusted if issuance of the patent was delayed due to the failure of the Office to:

\* \* \*

(4) Issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied.

37 C.F.R. § 1.703 states:

(a) The period of adjustment under 1.702(a) is the sum of the following periods:

\* \* \*

(6) The number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

On November 24, 2008, Applicants paid the issue fee. There were no outstanding requirements. The patent timely issued on December 30, 2008. As such, no delay attributable to the Office occurred after the issue fee was paid.

With regard to reductions in patent term adjustment, 37 C.F.R. § 1.704(c) states:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances.

\* \* \*

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance as been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was

- filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
- (ii) Four months.

A copy of the list of documents in the Image File Wrapper for this case on PAIR is enclosed as Exhibit 2. Four papers are listed as having a date of November 24, 2008 (boxed), and copies of these items are enclosed as Exhibit 3. No other papers were filed after the mailing of the Notice of Allowance. As is evident from Exhibit 3, the paper characterized as a “Miscellaneous Incoming Letter” is a document entitled “Reply to Notice of Allowance” in which Applicants authorize the Office to charge the issue fee to the deposit account of Applicants’ representative and which acts as a transmittal letter for the fee transmittal form (PTOL-85). Applicants submit that all papers filed after the mailing of the Notice of Allowance were the issue fee payment and do not constitute a submission of a paper encompassed by 37 C.F.R. § 1.704(c)(10). As such, Applicants submit that attributing 37 days of delay under 37 C.F.R. § 1.704(c)(10) to Applicants is improper.

In view of the above facts, the present patent is entitled to 493 days of patent term adjustment under 37 C.F.R. § 1.703.

The present patent is subject to Terminal Disclaimers that disclaim any terminal part of the present patent subsequent to the expiration of U.S. Patent No. 6,214,865 or 6,653,341. The Terminal Disclaimers do not disclaim any terminal part of the present patent prior to the expiration date of the full statutory term of U.S. Patent No. 6,214,865 or 6,653,341 in the event that either patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §

1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title.

#### CONCLUSION

Applicants submit that the current patent term adjustment should be 493 days and hereby request reconsideration of the patent term adjustment.

Applicants authorize a charge of \$200.00 to Deposit Account No. 03-2095 for the fee set forth in 37 C.F.R. § 1.18(e). If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: February 27, 2009

Susan M. Michaud  
Susan M. Michaud, Ph.D.  
Reg. No. 42,885

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

## Exhibit 1

10/687,526	METHODS AND COMPOSITIONS FOR USE IN TREATING CANCER	02-18-2009::13:50:36
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**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/687,526

Filing or 371(c) Date:	10-16-2003	USPTO Delay (PTO) Delay (days):	806
Issue Date of Patent:	12-30-2008	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	350
Post-Issue Petitions (days):	+0	Total PTA (days):	456
USPTO Adjustment(days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
12-10-2008	PTA 36 Months	793	
12-30-2008	Patent Issue Date Used in PTA Calculation		
11-26-2008	Dispatch to FDC	⬆	
11-26-2008	Application Is Considered Ready for Issue	⬆	
11-26-2008	TC Return to Pubs	⬆	
11-24-2008	Miscellaneous Incoming Letter		37
11-24-2008	Issue Fee Payment Verified		2
11-24-2008	Issue Fee Payment Received		⬆
08-22-2008	Mail Notice of Allowance	13	
08-07-2008	Document Verification	⬆	
08-07-2008	Notice of Allowance Data Verification Completed	⬆	
04-09-2008	Information Disclosure Statement considered	⬆	
06-10-2008	Correspondence Address Change	⬆	
05-22-2008	Date Forwarded to Examiner	⬆	
04-09-2008	Response after Non-Final Action	⬆	
04-09-2008	Information Disclosure Statement (IDS) Filed		
02-22-2008	Email Notification		
02-22-2008	Change in Power of Attorney (May Include Associate POA)		
02-20-2008	Correspondence Address Change		
01-09-2008	Mail Non-Final Rejection		
01-07-2008	Non-Final Rejection		
11-02-2007	Paralegal TD Accepted		
11-02-2007	Paralegal TD Accepted		
10-24-2007	Terminal Disclaimer Filed		
10-24-2007	Terminal Disclaimer Filed		
11-01-2007	Date Forwarded to Examiner		
10-24-2007	Response after Non-Final Action		92
10-24-2007	Request for Extension of Time - Granted		⬆
09-24-2007	Case Docketed to Examiner in GAU		⬆
08-03-2007	Case Docketed to Examiner in GAU		⬆
06-13-2007	Case Docketed to Examiner in GAU		⬆

04-24-2007	Mail Non-Final Rejection	⬆
04-20-2007	Non-Final Rejection	
02-24-2007	Date Forwarded to Examiner	
02-08-2007	Response after Non-Final Action	92
02-08-2007	Request for Extension of Time - Granted	⬆
08-08-2006	Mail Non-Final Rejection	⬆
08-07-2006	Non-Final Rejection	
06-05-2006	Date Forwarded to Examiner	
05-30-2006	Response after Non-Final Action	3
02-27-2006	Mail Non-Final Rejection	⬆
02-21-2006	Non-Final Rejection	
12-06-2005	Date Forwarded to Examiner	
11-21-2005	Response after Non-Final Action	93
11-21-2005	Request for Extension of Time - Granted	⬆
10-06-2005	Correspondence Address Change	⬆
05-20-2005	Mail Non-Final Rejection	⬆
05-16-2005	Non-Final Rejection	
11-16-2004	Reference capture on IDS	
03-14-2005	Date Forwarded to Examiner	
02-07-2005	Response after Non-Final Action	
02-07-2005	Workflow incoming amendment IFW	
11-16-2004	Mail Non-Final Rejection	
11-12-2004	Non-Final Rejection	
09-08-2004	IFW TSS Processing by Tech Center Complete	
09-08-2004	Case Docketed to Examiner in GAU	
07-15-2004	Request for Refund	
07-15-2004	Reference capture on IDS	
07-15-2004	Information Disclosure Statement (IDS) Filed	
07-15-2004	Information Disclosure Statement (IDS) Filed	
06-04-2004	Preliminary Amendment	
10-16-2003	Reference capture on IDS	
10-16-2003	Information Disclosure Statement (IDS) Filed	
10-16-2003	Information Disclosure Statement (IDS) Filed	
06-28-2004	Application Return from OIPE	
06-28-2004	Application Return TO OIPE	
06-28-2004	Application Return from OIPE	
06-28-2004	Application Is Now Complete	
06-04-2004	Payment of additional filing fee/Preexam	31
10-16-2003	Claim Preliminary Amendment	⬆
06-28-2004	Pre-Exam Office Action Withdrawn	⬆
06-28-2004	Application Return TO OIPE	⬆

06-28-2004	Application Dispatched from OIPE	⬆
06-28-2004	Application Is Now Complete	⬆
06-24-2004	Correspondence Address Change	⬆
06-24-2004	Change in Power of Attorney (May Include Associate POA)	⬆
02-04-2004	Notice Mailed--Application Incomplete--Filing Date Assigned	⬆
01-12-2004	Cleared by OIPE CSR	
12-07-2003	IFW Scan & PACR Auto Security Review	
10-16-2003	Initial Exam Team nn	

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**Close Window**

10/687,526 METHODS AND COMPOSITIONS FOR USE IN TREATING CANCER

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2009::13:50:58

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.**

**Bibliographic Data**

Mail Room Date	Document Code	Document Description	Document Category	Page Count
12-10-2008	ISSUE.NTF	Issue Notification	PROSECUTION	1
11-24-2008	IFEE	Issue Fee Payment (PTO-85B)	PROSECUTION	1
11-24-2008	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2
11-24-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2
11-24-2008	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
08-22-2008	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	4
08-22-2008	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
08-22-2008	SRNT	Examiner's search strategy and results	PROSECUTION	1
08-22-2008	1449	List of References cited by applicant and considered by examiner	PROSECUTION	1
08-22-2008	SRNT	Examiner's search strategy and results	PROSECUTION	1
08-22-2008	SRNT	Examiner's search strategy and results	PROSECUTION	1
06-11-2008	EBCC.AD	Notice of Change of Address placed in File Wrapper due to EBC Customer Number update	PROSECUTION	1
04-09-2008	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
04-09-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2
04-09-2008	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
04-09-2008	CLM	Claims	PROSECUTION	9
04-09-2008	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
04-09-2008	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
02-22-2008	N570	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	1
02-22-2008	N570	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	1
02-22-2008	OA.EMAIL	Email Notification	PROSECUTION	1
02-12-2008	PA..	Power of Attorney	PROSECUTION	2
02-12-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2
01-09-2008	CTNF	Non-Final Rejection	PROSECUTION	4
01-09-2008	FWCLM	Index of Claims	PROSECUTION	1
01-09-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
11-05-2007	DISQ	Terminal Disclaimer Approval form used within the USPTO	PROSECUTION	1
11-05-2007	DISQ	Terminal Disclaimer Approval form used within the USPTO	PROSECUTION	1
10-24-2007	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
10-24-2007	SPEC	Specification	PROSECUTION	3
10-24-2007	CLM	Claims	PROSECUTION	8
10-24-2007	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
10-24-2007	TRTC	Transmittal to TC	PROSECUTION	4



10-24-2007	DIST	Terminal Disclaimer Filed	PROSECUTION	3
10-24-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2
10-24-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	3
10-24-2007	PA..	Power of Attorney	PROSECUTION	3
10-24-2007	XT/	Extension of Time	PROSECUTION	1
10-24-2007	DIST	Terminal Disclaimer Filed	PROSECUTION	3
10-24-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
04-24-2007	CTNF	Non-Final Rejection	PROSECUTION	4
04-24-2007	892	List of references cited by examiner	PRIOR ART	1
04-24-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
04-24-2007	FWCLM	Index of Claims	PROSECUTION	1
02-08-2007	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
02-08-2007	CLM	Claims	PROSECUTION	2
02-08-2007	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
02-08-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2
02-08-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	2
02-08-2007	XT/	Extension of Time	PROSECUTION	1
02-08-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
08-08-2006	CTNF	Non-Final Rejection	PROSECUTION	4
08-08-2006	892	List of references cited by examiner	PRIOR ART	1
08-08-2006	NPL	NPL Documents	PRIOR ART	1
08-08-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
08-08-2006	FWCLM	Index of Claims	PROSECUTION	1
05-30-2006	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	2
05-30-2006	CLM	Claims	PROSECUTION	1
05-30-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
05-30-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
02-27-2006	CTNF	Non-Final Rejection	PROSECUTION	4
02-27-2006	FWCLM	Index of Claims	PROSECUTION	1
02-27-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
11-21-2005	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
11-21-2005	CLM	Claims	PROSECUTION	1
11-21-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
11-21-2005	XT/	Extension of Time	PROSECUTION	1
11-21-2005	TRTC	Transmittal to TC	PROSECUTION	1
11-21-2005	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
10-07-2005	EBCC.AD	Notice of Change of Address placed in File Wrapper due to EBC Customer Number update	PROSECUTION	1
05-20-2005	CTNF	Non-Final Rejection	PROSECUTION	5
05-20-2005	FWCLM	Index of Claims	PROSECUTION	1
05-20-2005	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
02-07-2005	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	2
02-07-2005	CLM	Claims	PROSECUTION	1

02-07-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
02-07-2005	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
11-16-2004	CTNF	Non-Final Rejection	PROSECUTION	6
11-16-2004	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
11-16-2004	FWCLM	Index of Claims	PROSECUTION	1
11-16-2004	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
07-22-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	10
07-15-2004	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	8
07-15-2004	NPL	NPL Documents	PRIOR ART	5
06-24-2004	N570	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	2
06-04-2004	A.PE	Preliminary Amendment	PROSECUTION	1
06-04-2004	CLM	Claims	PROSECUTION	1
06-04-2004	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
06-04-2004	PA..	Power of Attorney	PROSECUTION	2
06-04-2004	XT/	Extension of Time	PROSECUTION	1
06-04-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
06-04-2004	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1
02-04-2004	PEFN	Pre-Exam Formalities Notice	PROSECUTION	2
10-16-2003	TRNA	Transmittal of New Application	PROSECUTION	2
10-16-2003	SPEC	Specification	PROSECUTION	8
10-16-2003	CLM	Claims	PROSECUTION	4
10-16-2003	ABST	Abstract	PROSECUTION	1
10-16-2003	OATH	Oath or Declaration filed	PROSECUTION	2
10-16-2003	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	4
10-16-2003	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
10-16-2003	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1

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Exhibit 3

PATENT  
ATTORNEY DOCKET NO. 04520/029002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Littlefield et al.	Confirmation No.:	5226
Serial No.:	10/687,526	Art Unit:	1625
Filed:	October 16, 2003	Examiner:	Raymond K. Covington
Customer No.:	21559		
Title:	Methods and Compositions for Use in Treating Cancer		

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO NOTICE OF ALLOWANCE

In reply to the Notice of Allowance that was mailed in connection with the above-captioned application on August 22, 2008 and having confirmation number 5226, enclosed is a completed fee transmittal form PTOL-85.

Applicants hereby authorize the Office to charge \$1,840 to Deposit Account No. 03-2095 to cover the issue fee required by 37 C.F.R. § 1.18(a) of \$1,510, the publication fee of \$300, and the patent copy fee required by 37 C.F.R. § 1.19(a)(1)(i) of \$30.00 for ten patent copies.

If there are any other charges or any credits, please apply them to Deposit Account No.

03-2095.

Respectfully submitted,

Date: November 24, 2008

Susan M. Michaud  
Susan M. Michaud, Ph.D.  
Reg. No. 42,885

Clark & Elbing LLP  
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Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

78859 7590 08/22/2008  
 Clark & Elbing LLP / Eisai  
 101 Federal Street  
 Suite 1500  
 Boston, MA 02110

**Certificate of Mailing or Transmission**  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,526	10/16/2003	Bruce A. Littlefield	04520/029002	5226

TITLE OF INVENTION: METHODS AND COMPOSITIONS FOR USE IN TREATING CANCER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/24/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
COVINGTON, RAYMOND K	1625	514-450000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Clark & Elbing LLP  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**Eisai R&D Management Co., Ltd.**

**Tokyo, Japan**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are submitted:

☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 10

## 4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 603-2095 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Susan M. Michaud

Date November 24, 2008

Typed or printed name Susan M. Michaud, Ph.D.

Registration No. 42,885

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10687526			
<b>Filing Date:</b>	16-Oct-2003			
<b>Title of Invention:</b>	METHODS AND COMPOSITIONS FOR USE IN TREATING CANCER			
<b>First Named Inventor/Applicant Name:</b>	Bruce A. Littlefield			
<b>Filer:</b>	Susan M. Michaud/Katherine Johnson			
<b>Attorney Docket Number:</b>	04520/029002			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
Utility Appl issue fee	1501	1	1510	1510
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
Printed copy of patent - no color	8001	10	3	30
<b>Total in USD (\$)</b>				<b>1840</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	4341846
<b>Application Number:</b>	10687526
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5226
<b>Title of Invention:</b>	METHODS AND COMPOSITIONS FOR USE IN TREATING CANCER
<b>First Named Inventor/Applicant Name:</b>	Bruce A. Littlefield
<b>Customer Number:</b>	78859
<b>Filer:</b>	Susan M. Michaud/Terese Miffitt
<b>Filer Authorized By:</b>	Susan M. Michaud
<b>Attorney Docket Number:</b>	04520/029002
<b>Receipt Date:</b>	24-NOV-2008
<b>Filing Date:</b>	16-OCT-2003
<b>Time Stamp:</b>	16:25:33
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1840
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Deposit Account	032095
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	04520_029002_Reply.PDF	107317	no	2
			de91bd96d4bc8e4e95bbcfb94e83b9a7c256903		

### Warnings:

### Information:

2	Issue Fee Payment (PTO-85B)	04520_029002_PTOL_85.PDF	199193	no	1
			5b777478b7cc50b1c18eac889ff4d4ff68584fd		

### Warnings:

### Information:

3	Fee Worksheet (PTO-06)	fee-info.pdf	33812	no	2
			38b5830c8387d82fa85ea7b702f64d5d9097617c		

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Total Files Size (in bytes):			340322
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#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.